

Notice of Allowability	Application No.	Applicant(s)	
	09/766,547	WAGLE ET AL.	
	Examiner	Art Unit	
	Robert Shiao	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to responses filed on 01/18, 2005.
2. ☒ The allowed claim(s) is/are 1,4-11, 26-27 now are 1-10.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

DETAILED ACTION

1. This application claims benefit of the provisional applications: 60/176,995 with a filing date 01/19, 2000; and 60/183,274 with a filing date 02/17, 2000.
2. Amendment of claims 1, 4, 6-8, cancellation of claims 2-3 and 12-25, and a terminal disclaimer in the amendment filed on January 18, 2005, is acknowledged. Claims 1 and 4-11 are pending in the application.

Responses to Amendment/Arguments

3. Applicant's arguments regarding rejection of claims 1 and 4-11 under 35 U.S.C. 102(b) as being anticipated by Foulkes et al. US 5,580,722, filed on January 18, 2005, have been fully considered and they are persuasive. Foulkes et al. does not disclose that the compound 2-thiazolamine is used for treating cardiovascular disease. Foulkes et al. 2-thiazolamine is a modulator of Human Growth Hormone, see column 52, Table 2. Therefore, rejection of claims 1 and 4-11 under 35 U.S.C. 102(b) is withdrawn herein. Since claims 2-3 have been cancelled, therefore, rejection of claims 2-3 under 35 U.S.C. 102(b) is obviated herein.
4. Since a terminal disclaimer has been filed and approved, therefore, rejection of claims 1 and 4-11 under obviousness-type double patenting over Wagle et al. US 6,596,744, has been overcome in the amendment filed on January 18, 2005. Since claims 2-3 have been cancelled, therefore, rejection of claims 2-3 under obviousness-type double patenting over Wagle et al. US 6,596,744, is obviated herein.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Pavao on March 22, 2005. The application has been amended as follows:

In claim 1, lines 1-2, after "A method of", delete

", in an animal, including a human, inhibiting the formation of, or reversing the preformation of, advanced glycosylation end products, thereby"

In claim 1, lines 5-9, after "or heart failure", insert

--in an animal--

In claim 8, lines 1-2, after "A method of", delete

", in an animal, including a human, inhibiting the formation of, or reversing the preformation of, advanced glycosylation end products, thereby"

In claim 8, lines 5-9, after "or heart failure", insert

--in an animal--

Add a new claim 26, said:

Claim 26. (New) The method of claim 1 or 8, wherein the animal is human.

Add a new claim 27, said:

Claim 27. (New) The method of claim 1 or 8, where formation of advanced glycosylation end products in the animal is inhibited, or preformation of advanced glycosylation end products in the animal is reversed.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1, 4-11, and 26-27 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. This invention relates to thiazole, imidazole and oxazole compounds and treatments of disorders associated with protein aging. The closest reference is Wagle et al. US 6,596,744, discloses method for treating fibrotic disease or other indications IIC. The difference between instant claims and Wagle et al. is that the variable J of instant formula (I) or (IA) represents sulfur, while Wagle et al. represents sulfur or oxygen. Claims 1,4-11, and 26-27 are allowed.

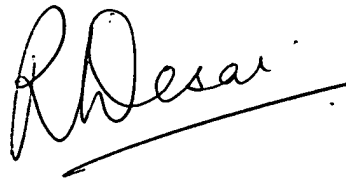
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusions

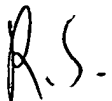
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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March 22, 2005

3-23-05.